

EXHIBIT D

ATTORNEY OR PARTY WITHOUT ATTORNEY (Print Name, State Bar Number, and Address) **FOR FILING USE ONLY**
 30-2023-01318756-CU-OE-CJC - ROA # 3 - DAVID H. YAMASAKI, Clerk of the Court By K. Chirfer, Deputy Clerk.
 Travis J. Burch, Esq. (SBN 216175)
 Shalchi Burch LLP, 23 Corporate Plaza Dr., Ste. 150, Newport Beach, CA, 92660

TELEPHONE NO.: (949) 359-0334 FAX NO. (Optional): (949) 326-0083
 ATTORNEY FOR (Name): Plaintiff Jasmine Ramirez

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
 STREET ADDRESS: 700 Civic Center Drive West
 MAILING ADDRESS: 700 Civic Center Drive West
 CITY AND ZIP CODE: Santa Ana, CA 92702
 BRANCH NAME: CENTRAL JUSTICE CENTER

CASE NAME:
 Jasmine Ramirez v. Costco Wholesale Corporation, et al.

CIVIL CASE COVER SHEET		Complex Case Designation	CASE NUMBER:
<input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000)	<input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	30-2023-01318756-CU-OE-CJC
			JUDGE: Judge David J. Hesseltine DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other P/DPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/DPD/WD (23) Non-P/DPD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/DPD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): Two
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: April 10, 2023

Travis J. Burch, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET**CM-010**

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES**Auto Tort**

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other P/DPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability *(not asbestos or toxic/environmental)* (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other P/DPD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other P/DPD/WD

Non-P/DPD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice *(not medical or legal)*
Other Non-P/DPD/WD Tort (35)
Employment
Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract *(not unlawful detainer or wrongful eviction)*
Contract/Warranty Breach—Seller Plaintiff *(not fraud or negligence)*
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage *(not provisionally complex)* (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment *(non-domestic relations)*
Sister State Judgment
Administrative Agency Award *(not unpaid taxes)*
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint RICO (27)

Other Complaint *(not specified above)* (42)
Declaratory Relief Only
Injunctive Relief Only *(non-harassment)*
Mechanics Lien
Other Commercial Complaint Case *(non-tort/non-complex)*
Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition *(not specified above)* (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

Electronically Filed by Superior Court of California, County of Orange, 04/11/2023 10:59:32 AM.
30-2023-01318756-CU-OE-CJC - ROA # 4 - DAVID H. YAMASAKI, Clerk of the Court By K. Climer, Deputy Clerk.

SUM-100

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

COSTCO WHOLESALE CORPORATION, a Washington Corporation; and DOES 1 through 5, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**
JASMINE RAMIREZ

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE-700 Civic Center Dr. W, Santa Ana, CA, 92702

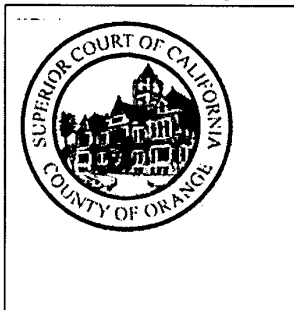
CASE NUMBER:
(Número del Caso): 30-2023-01318756-CU-OE-CJC
Judge David J. Hesseltine

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Travis J. Burch, Esq./Shalchi Burch LLP/23 Corporate Plaza Dr., Ste. 150, Newport Beach, CA, 92660, (949) 359-0334

DATE: 04/11/2023 DAVID H. YAMASAKI, Clerk of the Court Clerk, by K. Climer, Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

K. Climer



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☒ on behalf of (specify): Costco Wholesale Corporation, a Washington Corporation
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):



SUPERIOR COURT OF CALIFORNIA

COUNTY OF ORANGE

Superior Court of California, County of Orange

700 W. Civic Center Drive
Santa Ana, CA 92702

PAYMENT RECEIPT

E-Filing Transaction #: 41473234

Receipt #: 13036266

Clerk ID: kclimer

Transaction No: 13208144

Transaction Date: 04/13/2023

Transaction Time: 11:44:00 AM

Case Number	Fee Type	Qty	Fee Amount\$	Balance Due	Amount Paid	Remaining Balance
30-2023-01318756-CU-OE-CJC	194 - Complaint or other 1st paper	1	\$435.00	\$435.00	\$435.00	\$0.00

Sales Tax: \$0.00

Total: \$435.00 **Total Rem. Bal:**

E-Filing : - OneLegal

E-Filing: \$435.00

Total Amount Tendered: \$435.00

Change Due: \$0.00

Balance: **\$0.00**

A \$45 fee may be charged for each returned check, electronic funds transfer or credit card payment.

COPY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 W. Civic Center DRIVE MAILING ADDRESS: 700 W. Civic Center Drive CITY AND ZIP CODE: Santa Ana 92701 BRANCH NAME: Central Justice Center PLAINTIFF: Jasmine Ramirez	<p style="text-align: center;"><small>FOR COURT USE ONLY</small></p> <p style="text-align: center;">FILED</p> <p style="text-align: center;">SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE</p> <p style="text-align: center;">Apr 13, 2023 Clerk of the Superior Court</p>
DEFENDANT: Costco Wholesale Corporation	
Short Title: RAMIREZ VS. COSTCO WHOLESALE CORPORATION	
<p style="text-align: center;">NOTICE OF HEARING CASE MANAGEMENT CONFERENCE</p>	CASE NUMBER: 30-2023-01318756-CU-OE-CJC

Please take notice that a(n), Case Management Conference has been scheduled for hearing on 09/15/2023 at 09:30:00 AM in Department C23 of this court, located at Central Justice Center.

Plaintiff(s)/Petitioner(s) to provide notice to all defendant(s)/respondent(s). Parties who file pleadings that add new parties to the proceeding must provide notice of the Case Management Conference to the newly added parties.

IMPORTANT: Prior to your hearing date, please check the Court's website for the most current instructions regarding how to appear for your hearing and access services that are available to answer your questions.

Civil Matters - <https://www.occourts.org/media-relations/civil.html>

Probate/Mental Health - <https://www.occourts.org/media-relations/probate-mental-health.html>

Appellate Division - <https://www.occourts.org/media-relations/appeals-records.html>

IMPORTANTE: Antes de la fecha de su audiencia, visite el sitio web de la Corte para saber cuáles son las instrucciones más actuales para participar en la audiencia y tener acceso a los servicios disponibles para responder a sus preguntas.

Casos Civiles - <https://www.occourts.org/media-relations/civil.html>

Casos de Probate y Salud Mental - <https://www.occourts.org/media-relations/probate-mental-health.html>

División de apelaciones - <https://www.occourts.org/media-relations/appeals-records.html>

QUAN TRỌNG: Trước ngày phiên tòa của quý vị, vui lòng kiểm tra trang mạng của tòa án để biết những hướng dẫn mới nhất về cách ra hầu phiên tòa của quý vị và tiếp cận những dịch vụ hiện có để giải đáp những thắc mắc của quý vị.

Vấn Đề Dân Sự - <https://www.occourts.org/media-relations/civil.html>

Thủ Tục Di Chúc/Sức Khỏe Tinh Thần - <https://www.occourts.org/media-relations/probate-mental-health.html>

Ban phúc thẩm - <https://www.occourts.org/media-relations/appeals-records.html>

Clerk of the Court, By: _____, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Central Justice Center
700 W. Civic Center DRIVE
Santa Ana 92701

SHORT TITLE: RAMIREZ VS. COSTCO WHOLESALE CORPORATION

CLERK'S CERTIFICATE OF SERVICE BY MAIL

CASE NUMBER:
30-2023-01318756-CU-OE-CJC

I certify that I am not a party to this cause. I certify that a true copy of the above Notice of Hearing has been placed for collection and mailing so as to cause it to be mailed in a sealed envelope with postage fully prepaid pursuant to standard court practices and addressed as indicated below. The certification occurred at Santa Ana, California, on 04/13/2023. Following standard court practice the mailing will occur at Sacramento, California on 04/14/2023.

Clerk of the Court, by: _____, Deputy

SHALCHI BURCH LLP
23 CORPORATE PLAZA DRIVE # 150
NEWPORT BEACH, CA 92660

Electronically Filed by Superior Court of California, County of Orange, 04/19/2023 08:00:00 AM.
30-2023-01318756-CU-OE-CJC - ROA # 9 - DAVID H. YAMASAKI, Clerk of the Court By E. efilnguser, Deputy Clerk

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Travis J. Burch, 216175 Shalchi Burch LLP 23 Corporate Plaza Dr., Ste. 150, Newport Beach, CA 92660 TELEPHONE NO.: 949-359-0334 ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Superior Court of California, Orange County 700 Civic Center Drive West Santa Ana, CA 92702-1994	
PLAINTIFF/PETITIONER: Jasmine Ramirez DEFENDANT/RESPONDENT: Costco Wholesale Corporation, et al.	CASE NUMBER: 30-2023-01318756
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.: Ramirez

1. At the time of service I was a citizen of the United States, at least 18 years of age and not a party to this action.
 2. I served copies of:
 Summons; Complaint; Civil Case Cover Sheet; Notice of Hearing Case Management Conference OC; Alternative Dispute Resolution Information Package

3. a. Party served: Costco Wholesale Corporation, a Washington Corporation
 b. Person Served: CT Corporation System - Jessie Gastelum, Intake Specialist - Person Authorized to Accept Service of Process

4. Address where the party was served: 330 N Brand Blvd
 Glendale, CA 91203

5. I served the party
 a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 04/18/2023 (2) at (time): 12:19PM
 6. The "Notice to the Person Served" (on the summons) was completed as follows:

d. on behalf of:

Costco Wholesale Corporation, a Washington Corporation
 under: CCP 416.10 (corporation)

7. **Person who served papers**

a. Name: Jessica Brown
 b. Address: One Legal - P-000618-Sonoma
 1400 North McDowell Blvd, Ste 300
 Petaluma, CA 94954

c. Telephone number: 415-491-0606

d. The fee for service was: \$ 40.00

e I am:

(3) registered California process server.
 (i) Employee or independent contractor.
 (ii) Registration No.: 2019217220
 (iii) County: Los Angeles

8. I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.
 Date: 04/18/2023

Jessica Brown

(NAME OF PERSON WHO SERVED PAPERS)



(SIGNATURE)



Confirmation #: 28426689

Case Title: Ramirez vs. Costco Wholesale Corporation

Thank you for choosing One Legal. If you have any questions about this order, please email us at support@onelegal.com.

CASE INFORMATION

Court Name:	Orange County, Superior Court of California
Court Branch:	Central Justice Center Santa Ana
Case Title:	Ramirez vs. Costco Wholesale Corporation
Case Category:	Civil - Unlimited
Case Type:	Other employment
Case #:	30-2023-01318756-CU-OE-CJC

ORDER DETAILS

Order Type:	eFiling
Filing order #:	20413059
Date/Time Submitted:	5/15/2023 10:37 AM PT
Client Billing Code:	0HKS-373424
Contact Name:	Janet Jackson
Attorney Name:	Travis Anderson
Email Notification:	Contact
Special Instructions:	Kindly file and provide conformed copy at your earliest opportunity. Thank you!

DOCUMENTS

Document Type	Document Title	Pages Uploaded
Answer to Complaint	Answer to Complaint	10

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Accessibility statement (<https://www.onelegal.com/accessibility/>) | Privacy policy

(<https://www.onelegal.com/privacy/>) | Terms of service (<https://www.onelegal.com/terms/>)

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
TRAVIS J. ANDERSON, Cal Bar No. 265540
3 JENNA G. CRAWFORD, Cal Bar No. 311415
12275 El Camino Real, Suite 100
4 San Diego, California 92130-4092
Telephone: 858.720.8900
5 Facsimile: 858.509.3691
E mail tanderson@sheppardmullin.com
6 jcrawford@sheppardmullin.com

7 Attorneys for Costco Wholesale Corporation

8
9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF ORANGE, CENTRAL JUSTICE CENTER
12

13 JASMINE RAMIREZ,

14 Plaintiff,

15 v.

16 COSTCO WHOLESALE
CORPORATION, a
17 Washington Corporation; and DOES 1
through 5,
18 inclusive,

19 Defendants.
20
21
22
23
24
25
26
27
28

Case No. 30-2023-01318756-CU-OE-CJC

Assigned for all purposes to:
Hon. David J. Hesseltnine, Dept C23

ANSWER TO COMPLAINT

[Complaint Filed: April 11, 2023]
Trial Date: TBD

1 TO PLAINTIFF JASMINE RAMIREZ AND HER ATTORNEYS OF
2 RECORD:

3 Defendant Costco Wholesale Corporation (“Costco”), for itself alone, hereby
4 responds to Plaintiff’s unverified Complaint as follows:

5
6 Under California Code of Civil Procedure § 431.30, Costco denies each and
7 every allegation contained in Plaintiff’s unverified Complaint.

8
9 AND FOR ITS AFFIRMATIVE DEFENSES TO THE COMPLAINT AND
10 TO EACH PURPORTED CAUSE OF ACTION THEREIN, COSTCO ALLEGES:

11
12 **FIRST AFFIRMATIVE DEFENSE**

13 (Failure to State Cause of Action)

14 The Complaint and/or each claim contained therein fails to state facts
15 sufficient to constitute a cause of action against Costco.

16
17 **SECOND AFFIRMATIVE DEFENSE**

18 (C.C.P. § 430.10(f))

19 The Complaint is ambiguous and unintelligible in that it does not allege with
20 sufficient specificity the grounds upon which Costco is alleged to be responsible, in whole
21 or in part, for Plaintiff’s alleged damages.

22
23 **THIRD AFFIRMATIVE DEFENSE**

24 (Failure to Mitigate)

25 Costco is informed and believes and thereon alleges that Plaintiff has failed
26 to mitigate her losses, if any, and as a result of such failure, Plaintiff’s claims against
27 Costco are reduced, excused and/or discharged.

1 **FOURTH AFFIRMATIVE DEFENSE**

2 (Misrepresentation)

3 Any of the conduct of Costco which is alleged to be unlawful or improper
4 was taken as the result of misrepresentations or other wrongful conduct by Plaintiff.

5
6 **FIFTH AFFIRMATIVE DEFENSE**

7 (Privilege/Justification)

8 Plaintiff's purported claims for relief, and each of them, are barred in whole
9 or in part by Costco's privilege, business necessity and justification under the
10 circumstances for the acts and omissions alleged in the Complaint.

11
12 **SIXTH AFFIRMATIVE DEFENSE**

13 (Estoppel)

14 Plaintiff's claims are barred, in whole or part, by virtue of the application of
15 the doctrine of estoppel.

16
17 **SEVENTH AFFIRMATIVE DEFENSE**

18 (After-Acquired Evidence)

19 Costco is informed and believes and thereon alleges that the doctrine of
20 after-acquired evidence operates as a bar to each and every claim alleged in Plaintiff's
21 Complaint and/or limits any damages recoverable by Plaintiff.

22
23 **EIGHTH AFFIRMATIVE DEFENSE**

24 (Business Necessity)

25 Any of the conduct of Costco which is alleged to be unlawful or improper
26 was taken for reasons of business justification and necessity under the circumstances and
27 in accordance with business practices.

1 **NINTH AFFIRMATIVE DEFENSE**

2 (Good Faith)

3 Costco is informed and believes, and based upon such information and belief
4 alleges, that Costco acted in good faith with honesty of purpose and without any improper
5 motive, purpose or means, and without any hatred, ill will, malice, or intent to injure.

6
7 **TENTH AFFIRMATIVE DEFENSE**

8 (Comparative Fault)

9 To the extent Plaintiff has suffered any damages as a result of the facts
10 alleged in the Complaint, persons and entities other than Costco are negligent and/or at
11 fault in connection with those acts, and by reason thereof, Plaintiff's rights of recovery
12 from Costco should be reduced by that amount which the negligence and fault of persons
13 and entities other than Costco contributed to any damages.

14
15 **ELEVENTH AFFIRMATIVE DEFENSE**

16 (Statute of Limitations)

17 Costco is informed and believes, and thereon alleges, that some or all of
18 Plaintiff's claims and allegations are barred by the applicable statutes of limitation.

19
20 **TWELFTH AFFIRMATIVE DEFENSE**

21 (Laches)

22 As to each and every claim purporting to sound in equity, Plaintiff's
23 Complaint is barred by laches.

24
25 **THIRTEENTH AFFIRMATIVE DEFENSE**

26 (Unclean Hands)

27 As to each and every claim purporting to sound in equity, Plaintiff's
28 Complaint is barred by the doctrine of unclean hands.

1 **FOURTEENTH AFFIRMATIVE DEFENSE**

2 (Comparative Negligence)

3 Costco is informed and believes and thereon alleges that Plaintiff, by her acts
4 and conduct, has failed to exercise reasonable care and diligence in her own behalf,
5 thereby contributing to her alleged damages. Plaintiff's recovery against Costco, if any,
6 must be reduced by the proportion of damages caused by the acts and conduct of Plaintiff
7 as opposed to that of Costco.

8
9 **FIFTEENTH AFFIRMATIVE DEFENSE**

10 (No Proximate Causation of Emotional Distress)

11 If Plaintiff has suffered any emotional distress (and Costco denies that
12 Plaintiff has suffered any such distress), such emotional distress was proximately caused
13 by factors other than the acts and/or omissions of Costco, or anyone acting on Costco's
14 behalf, and/or Plaintiff contributed to her distress and, because of this contribution, any
15 remedy to which she might otherwise be entitled must be denied or reduced.

16
17 **SIXTEENTH AFFIRMATIVE DEFENSE**

18 (Consent)

19 As to any act or conduct on the part of Costco alleged to have been unlawful,
20 Plaintiff consented to that act or conduct.

21
22 **SEVENTEENTH AFFIRMATIVE DEFENSE**

23 (Legitimate, Non-Discriminatory Motives)

24 Plaintiff cannot recover under any claim alleged in the Complaint because
25 Costco acted in good faith and had legitimate, non-discriminatory reasons for all
26 employment decisions made in regard to Plaintiff.

1 **EIGHTEENTH AFFIRMATIVE DEFENSE**

2 (Workers' Compensation Exclusive Remedy)

3 Costco is informed and believes, and thereon alleges, that Plaintiff's
4 Complaint, or parts thereof, is barred for lack of subject matter jurisdiction pursuant to the
5 provisions of Sections 3600, *et seq.* and 5300 of the California Labor Code inasmuch as
6 the California Workers' Compensation Appeals Board is vested with the exclusive
7 jurisdiction over the allegations contained therein. Additionally, Costco is entitled to a
8 setoff against any recovery by Plaintiff through workers' compensation.

9
10 **NINETEENTH AFFIRMATIVE DEFENSE**

11 (Labor Management Relations Act Preemption)

12 Plaintiff's claims, in whole or in part, are preempted by the Labor
13 Management Relations Act.

14
15 **TWENTIETH AFFIRMATIVE DEFENSE**

16 (National Labor Relations Act Preemption)

17 Plaintiff's Complaint against Costco is preempted, in whole or in part, by the
18 National Labor Relations Act, 29 U.S.C. § 151, *et seq.*, and the exclusive jurisdiction with
19 respect to Plaintiff's preempted claims is vested in the National Labor Relations Board.

20
21 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

22 (Full Performance)

23 Costco has fully performed any contractual, statutory or other alleged duties
24 to Plaintiff, other than those which have been excused or discharged, and Plaintiff is thus
25 barred from recovery.

1

2 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

3 (Failure to Exhaust Company Procedures)

4 As to any complaints Plaintiff did have while employed with Costco, Plaintiff failed
5 to utilize established company procedures and is thereby precluded from asserting any
6 such complaints.

7

8 **TWENTY-THIRD AFFIRMATIVE DEFENSE**

9 (Failure to Exhaust)

10 Plaintiff has failed to exhaust her administrative remedies and procedural
11 prerequisites and, as a result of such failure, is barred from recovery.

12

13 **TWENTY-FOURTH AFFIRMATIVE DEFENSE**

14 (Failure to Use Corrective Opportunities)

15 Some or all of the claims in the Complaint are barred by Costco's exercise of
16 reasonable care to prevent and promptly correct any unlawful activity and/or by Plaintiff's
17 unreasonable failure to take advantage of any preventive or corrective opportunities
18 provided by Costco.

19

20 **TWENTY-FIFTH AFFIRMATIVE DEFENSE**

21 (Mixed-Motive—*Harris v. City of Santa Monica*)

22 Costco denies that it unlawfully discriminated against Plaintiff. Assuming
23 *arguendo*, however, that Plaintiff proves that an illegal discriminatory reason had been a
24 factor in any employment decision or action towards Plaintiff, Costco would have made
25 the same employment decision or taken the same action for legitimate, non-discriminatory
26 reason(s).

1 **TWENTY-SIXTH AFFIRMATIVE DEFENSE**

2 (Avoidable Consequences Doctrine)

3 At all times relevant to this action, Costco had in place policies that
4 prohibited unlawful discrimination and retaliation, and procedures for reporting and
5 remedying complaints of discrimination and retaliation. At all times relevant to this
6 action, Plaintiff was aware of the foregoing policies and procedures. Nevertheless,
7 Plaintiff unreasonably failed to take advantage of the foregoing policies and procedures or
8 to avoid harm otherwise. Accordingly, assuming Plaintiff could somehow prove any
9 unlawful discrimination by Costco, which she cannot, Costco would nonetheless have an
10 affirmative defense to any strict liability imposed for any such action(s) by its manager(s),
11 supervisor(s) or agent(s).

12
13 **TWENTY-SEVENTH AFFIRMATIVE DEFENSE**

14 (Unconstitutionality of Punitive Damages)

15 An award of punitive damages in this action would violate Costco's due
16 process rights and equal protection rights under the United States Constitution and the
17 California Constitution.

18
19 Costco presently has insufficient knowledge or information upon which to form a
20 belief as to whether they may have additional, as yet unstated, affirmative defenses
21 available. Costco reserves the right to assert additional affirmative defenses in the event
22 discovery indicates that such defenses will be appropriate

23
24 WHEREFORE, Costco prays as follows:

- 25
26 1. That Plaintiff take nothing by way of her Complaint;
27
28 2. That judgment be entered in favor of Costco;


1 3. That Costco be awarded its costs and fees incurred in defense of this
2 action; and

3
4 4. For such other and further relief as the Court may deem just and
5 proper.

6
7
8 Dated: May 15, 2023

9 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

10
11 By



TRAVIS J. ANDERSON
JENNA G. CRAWFORD

12
13
14 Attorneys for Costco Wholesale Corporation
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PROOF OF SERVICE

Jasmine Ramirez v. Costco Wholesale Corporation, et al.
Case No. 30-2023-01318756-CU-OE-CJC

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of San Diego, State of California. My business address is 12275 El Camino Real, Suite 100, San Diego, CA 92130-4092.

On May 15, 2023, I served true copies of the following document(s) described as **ANSWER TO COMPLAINT** on the interested parties in this action as follows:

Ali Shalchi	Attorneys for Plaintiff
Travis J. Burch	Jasmine Ramirez
SHALCHI BURCH LLP	
23 Corporate Plaza Dr., Ste. 150	
Newport Beach, California 92660	
Telephone: (949) 359-0334	
Facsimile: (949) 326-0083	
Email: AS@SHALCHIBURCHLLP.COM;	
TB@SHALCHIBURCHLLP.COM	

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 15, 2023, at San Diego, California.



Janet E. Jackson